

1 **SCHEPER KIM & HARRIS LLP**  
 DAVID C. SCHEPER (State Bar No. 120174)  
 2 dscheper@scheperkim.com  
 DIANN H. KIM (State Bar No. 118742)  
 3 dkim@scheperkim.com  
 JULIO V. VERGARA (State Bar No. 223762)  
 4 jvergara@scheperkim.com  
 KATHERINE FARKAS (State Bar No. 234924)  
 5 kfarkas@scheperkim.com  
 601 West Fifth Street, 12th Floor  
 6 Los Angeles, CA 90071-2025  
 Telephone: (213) 613-4655  
 7 Facsimile: (213) 613-4656

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8 **Attorneys for Defendants Marcus & Millichap**  
**Real Estate Investment Services Inc., Marcus**  
 9 **& Millichap Real Estate Investment Brokerage**  
**Company, Marcus Muirhead, Sean Perkin,**  
 10 **Donald Emas, Andrew Leshner, Stewart**  
**Weston, Brice Head, and Bret King**  
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12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**  
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15 ECLECTIC PROPERTIES EAST, LLC, a  
 California Limited Liability Company, et al.,

Plaintiffs,

v.

18 THE MARCUS & MILLICHAP COMPANY,  
 19 a California corporation, et al.,

Defendants.

CASE NO. C-09-00511 RMW

**STIPULATED REQUEST TO CONTINUE  
 THE CASE MANAGEMENT  
 CONFERENCE AND MOTION  
 HEARING, CURRENTLY SET FOR  
 APRIL 29, 2011 TO MAY 13, 2011;  
 [] ORDER**

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**STIPULATION**

WHEREAS, on March 25, 2011, the Court held a case management conference, at which it set a further case management conference for April 29, 2011 at 10:30 a.m. and a motion hearing for April 29, 2011 at 9:00 a.m.;

WHEREAS, on April 29, 2011, David C. Scheper, counsel for Defendants Marcus & Millichap Real Estate Investment Services Inc., Marcus & Millichap Real Estate Investment Brokerage Company, Marcus Muirhead, Sean Perkin, Donald Emas, Andrew Leshner, Stewart Weston, Brice Head, and Bret King, will be engaged in a trial in the Eastern District of California, and therefore will not be available to attend the case management conference or motion hearing on that date;

WHEREAS, the parties have agreed to a brief continuance of the April 29, 2011 hearings, to permit Mr. Scheper to attend;

WHEREAS, counsel for each of the parties is available on May 13, 2011;

THEREFORE, the parties hereby stipulate and jointly request that:

1. The case management conference, currently set for April 29, 2011 at 10:30 a.m., shall be moved to May 13, 2011 at 10:30 a.m.; and

2. The motion hearing, currently set for April 29, 2011 at 9:00 a.m., shall be moved to May 13, 2011 at 9:00 a.m.

IT IS SO STIPULATED.

Dated: April 12, 2011

SCHEPER KIM & HARRIS LLP

By: s/ David. C. Scheper \_\_\_\_\_

DAVID C. SCHEPER  
Attorneys for Defendants  
MARCUS & MILLICHAP REAL ESTATE  
INVESTMENT SERVICES INC., MARCUS  
& MILLICHAP REAL ESTATE  
INVESTMENT BROKERAGE COMPANY,  
MARCUS MUIRHEAD, SEAN PERKIN,  
DONALD EMAS, ANDREW LESHER,  
STEWART WESTON, BRICE HEAD, and  
BRET KING

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Dated: April 12, 2011

KEKER & VAN NEST, LLP

By: Concurrence obtained General Order 45.X.B.  
DANIEL PURCELL  
Attorneys for Defendants  
THE MARCUS & MILLICHAP COMPANY,  
SOVEREIGN INVESTMENT COMPANY,  
SOVEREIGN SCRANTON LLC,  
SOVEREIGN CC, LLC, and SOVEREIGN JF,  
LLC

Dated: April 12, 2011

MCKENNON|SCHINDLER LLP

By: Concurrence obtained General Order 45.X.B.  
ERIC J. SCHINDLER  
Attorneys for Defendants  
PAUL A. MORABITO and BARUK  
MANAGEMENT, INC.

Dated: April 12, 2011

MANNING & MARDER, KASS, ELLROD,  
RAMIREZ LLP

By: Concurrence obtained General Order 45.X.B.  
MICHAEL L. SMITH  
Attorneys for Defendant  
PGP VALUATION, INC.

Dated: April 12, 2011

HOPKINS & CARLEY

By: Concurrence obtained General Order 45.X.B.  
EUGENE ASHLEY  
Attorneys for Defendants  
GLEN KUNOFSKY and DAIZY GOMEZ

1 Dated: April 12, 2011

McKENNA LONG & ALDRIDGE LLP

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3

By: Concurrence obtained General Order 45.X.B.  
TIMOTHY A. HORTON  
Attorneys for Defendants  
TIBAROM NY LLC and TIBAROM PA LLC

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6 Dated: April 12, 2011

ROBBINS GELLER RUDMAN & DOWD  
LLP

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By: Concurrence obtained General Order 45.X.B.  
DAVID J. GEORGE  
Attorneys for Plaintiffs

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**ECF CERTIFICATION**

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The filing attorney attests that he has obtained concurrence regarding the filing of this  
14 document from the signatories to this document.

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Dated: April 12, 2011

By: /s/ David. C. Scheper

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□ ORDER

Pursuant to the stipulation of the parties, it is hereby ordered that:

1. The case management conference, previously set for April 29, 2011 at 10:30 a.m., is continued to May 13, 2011 at 10:30 a.m.; and
2. The motion hearing, previously set for April 29, 2011 at 9:00 a.m., is continued to May 13, 2011 at 9:00 a.m.

IT IS SO ORDERED.

Dated: 4/15/11

  
HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE